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**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Alexandria Division**

**IN RE: LUMBER LIQUIDATORS CHINESE- )  
MANUFACTURED FLOORING PRODUCTS )  
MARKETING, SALES PRACTICES AND ) MDL No. 1:15-md-2627 (AJT/TRJ)  
PRODUCTS LIABILITY LITIGATION )  
\_\_\_\_\_ )**

**THIS DOCUMENT RELATES TO:**

***Cutler et al. v. Robert Clark Flooring, LLC, Lumber Liquidators and ED Lab***

**REPLY TO LUMBER LIQUIDATORS OPPOSITION TO APPOINTMENT OF CO-  
LEAD COUNSEL FOR PERSONAL INJURY PLAINTIFFS**

Plaintiffs, RICHARD CUTLER AND SHARON CUTLER, by and through their attorney, Cliff W. Marcek, Esq., hereby submits this Reply to Lumber Liquidators Opposition to Appointment of Co-Lead Counsel for Personal Injury Plaintiffs.

Richard Cutler and Sharon Cutler strongly support the appointment of Shawn Reed and Kevin Sullivan as co-lead counsel. Messrs. Reed and Sullivan have worked assiduously to prosecute this case. They have corresponded with plaintiffs' counsel, assisted with pleadings and discovery, kept plaintiffs' counsel apprised of impending deadlines, assisted with strategic matters, and generally have been of indispensable help in the complex world of Multidistrict Litigation. Richard Cutler and Sharon Cutler can say, without equivocation, that without having lead counsel in this litigation, it is likely most of the Plaintiffs' cases would suffer and potentially fail. Their assistance is needed even more now with the case going into a different phase of discovery and then into the pre-trial and trial phases of the case.

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1 Lumber Liquidators offers a lot of petty and self-serving reasons why Messrs. Sullivan  
2 and Reed should not continue as co-lead counsel, in particular it suggests that they have filed  
3 papers incorrectly, exceeded page limitations and even missed a meet and confer. Assuming  
4 arguendo that these representations are accurate, these are otherwise minor mistakes made by  
5 counsel in any litigation even with the most high-powered firms involved.

6 Lumber Liquidators opposition is pretextual in nature. Lumber Liquidators filed it for  
7 the unveiled purpose to simply divide and conquer the plaintiffs. It figures if it can eliminate  
8 lead counsel, it can extract nuisance value settlements from the individual plaintiffs. Lumber  
9 liquidators states they want to "properly and efficiently resolve the disputes." However, the  
10 real goal is to settle the disputes cheaply, and without lead counsel, that goal would be much  
11 more likely.

12 Dated this 29 day of March, 2018

13 CLIFF W. MARCEK, P.C.



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21 Attorney for Plaintiffs

22 RICHARD CUTLER AND SHARON CUTLER

**CERTIFICATE OF SERVICE**

I hereby certify that I am an employee of CLIFF W. MARCEK, P.C., and that on this 21 day of March, 2018, a true and correct copy of **REPLY TO LUMBER LIQUIDATORS OPPOSITION TO APPOINTMENT OF CO LEAD COUNSEL FOR PERSONAL INJURY PLAINTIFFS**, was filed electronically with the clerk of this Court using the CM/ECF system, and in accordance with Local Rules and the procedures adopted in the Initial Order and Pretrial Order No. 1A. This filing will cause a copy of the same to be served, via a Notice of Electronic Filing, upon counsel of record in this matter who has consented to electronic service.

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